



Paper No. 7

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OFFICE OF PETITIONS

In re Application of  
Ramasubbu Jevanthi et al.  
Application No. 09/337,945  
Filed: June 22, 1999  
Attorney Docket No. ARMY-111A

ON PETITION

This is a decision on the petition filed December 16, 2002 under 37 CFR 1.137(b) to revive the above-identified application. The petition is being treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181.

The petition is GRANTED.

This application became abandoned for failure to timely respond to the Notice to File Missing Parts mailed July 21, 1999. This application became abandoned September 22, 1999. Accordingly, a Notice of Abandonment was mailed August 3, 2000.

Petitioner claims that the above identified application is a continuation of application no. 08/590,973 and that a change of address was filed with the parent application on May 9, 1999. Additionally, a copy of the change of address was filed with the above identified application upon filing. Thus, petitioners never received the Notice to File Missing Parts nor the Notice of Abandonment. A review of the file confirms that a change of address was indeed filed with the present application and that the Notices of July 21, 1999 and the August 3, 2000 were mailed to the wrong address.

The fees due at filing on June 22, 1999 were \$1306.00 and the Patent Application Transmittal authorized the charge to deposit account no. 21-0380 however, at the time of filing, that account had insufficient funds available to charge the required fees. Since the original transmittal authorized the charge, deposit account no. 21-0380 will be charged \$1306.00 plus \$130.00 for the surcharge for a late submission.<sup>1</sup> Additionally, in view of the fact that the Notices were mailed to the wrong address, the petition fee in the amount of \$1280.00 will be credited back to deposit account no. 21-0380.

The Notice of Abandonment is withdrawn and this application is being forwarded to the Office of Initial Examination for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney in the Office of Petitions at (703) 305-4497.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions

<sup>1</sup>While the abandonment is being withdrawn, in order to reinstate the application, the fees not previously paid must still be submitted. In order to expedite the processing of the application and since the authorizations have been provided in the application transmittal, to charge any additional fees due to the deposit account, the agency has proceeded at the direction of the attorney of record.